

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7356

BILL NUMBER: SB 188

DATE PREPARED: Apr 3, 2001

BILL AMENDED: Apr 2, 2001

SUBJECT: Prosecuting Attorney Salaries.

FISCAL ANALYST: Mark Goodpaster

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

(A) It provides that the minimum annual salary of the part-time prosecuting attorney of the judicial circuit in which the Wabash Valley Correctional Facility is located is equal to 66% of the minimum salary of the circuit court judge.

(B) It allows a prosecuting attorney in a county in which is located an institution operated by the Department of Correction with an offender population of between 100 and 1,500 adult or juvenile offenders to appoint one additional deputy prosecuting attorney.

(C) It allows a prosecuting attorney to retain a deputy prosecuting attorney for the remainder of the term of office of the prosecuting attorney if the population of a correctional facility within the county falls below the specified level.

Effective Date: (Amended) July 1, 1999 (Retroactive); July 1, 2001.

Explanation of State Expenditures: (Revised) Provision A would currently have no effect on state expenditures because the current prosecuting attorney in Sullivan County has elected to practice on a full time basis. If in the future, the Sullivan County prosecuting attorney practiced on a part time basis, the state would pay that prosecuting attorney an additional \$5,847 per year.

Under current law, prosecuting attorneys may elect to work either full- or part-time. Prosecuting attorneys electing to work part-time are paid a minimum of 60% of the full-time salary of the circuit court judge. Prosecuting attorneys working part-time in counties meeting either certain population parameters or having certain correctional facilities or mental health facilities located in them are paid a minimum of 66%. This bill adds Wabash Valley Correctional Facility to that list.

Wabash Valley Correctional Facility is located in Sullivan County where the prosecuting attorney would receive 60% of the full-time salary. This bill would increase the costs to the state by an estimated \$5,847 per year, including salary and fringe benefits.

As of December 11, 2000, the prosecuting attorney in Sullivan County elected to work full-time.

Provision B deletes the word “adult” in IC 33-14-7-2(c) which sets out the criteria for the appointment of additional deputy prosecuting attorneys in counties with DOC facilities which house from 100 to 1,500 offenders.

There are three counties which would be eligible to appoint an additional deputy prosecuting attorney due to the presence of a DOC juvenile facility with a population of more than 100, but less than 1,500 offenders (Cass, Hendricks, and Marion). The appointment of an additional deputy prosecuting attorney would increase state expenditures by \$58,503 annually [\$44,550 salary + \$8,714 fringe benefits + \$5,240 health/vision/dental insurance]. **Should all three counties choose to appoint an additional deputy prosecuting attorney, state expenditures will increase by \$175,512 annually [\$58,503 x 3].**

Provision C would permit counties with declining enrollments in state institutions to retain these deputy prosecuting attorneys until the end of the prosecuting attorney's term in office. Consequently, the state would continue to pay the salaries of these positions until the end of the prosecuting attorney's elected term in office. Prosecuting attorneys serve for a four year term. Under current law, these deputy prosecuting attorneys are eliminated when the population level of these institutions is below the threshold stated in statute. Sixteen counties have 24 prison and mental health deputy prosecuting attorneys. The counties include Cass, Clark, Hendricks, Jasper, Jefferson/Switzerland (a joint circuit), Jennings, Johnson, LaPorte, Madison, Marion, Miami, Noble, Parke, Perry, Putnam, Sullivan.

Prosecuting attorneys with prison and mental health deputy prosecuting attorneys are required to certify to the Division of State Court Administration the population of the county's prison and/or mental health institutions for payroll purposes. To date, deputy prosecuting attorney positions have been terminated due to a declining state institution population in Wayne County (in which Richmond State Hospital is located) and Jennings County (in which Muscatatuck State Developmental Center is located).

All current prison and mental health deputy prosecuting attorneys earn an annual salary of \$44,550, except in Parke County where the prison and mental health deputy prosecuting attorney's annual salary is \$40,500. This bill would allow the counties to retain these deputy prosecuting attorneys until the end of the prosecuting attorney's term in office in the event that there is a decline in enrollment at a state institution during their term in office.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Prosecuting Attorneys Council; Division of State Court Administration.

Local Agencies Affected: Cass, Clark, Hendricks, Jasper, Jefferson/Switzerland, Jennings, Johnson, LaPorte, Madison, Marion, Miami, Noble, Parke, Perry, Putnam, Sullivan Counties.

Information Sources: Stephen Johnson, Executive Director, Prosecuting Attorneys Council, (317) 232-1836; Division of State Court Administration, (317) 232-2542.